

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

CHARLES GRAHAM, Derivatively on Behalf
of Nominal Defendant LEAP WIRELESS
INTERNATIONAL, INC.,

Plaintiff,

vs.

S. DOUGLAS HUTCHESON, AMIN
KHALIFA, GRANT BURTON, DEAN M.
LUVISA, MICHAEL B. TARGOFF, JOHN D.
HARKEY, JR., ROBERT V. LAPENTA,
MARK H. RACHESKY, M.D., and JAMES D.
DONDERO,

Defendants,

and

LEAP WIRELESS INTERNATIONAL, INC.,

Nominal Defendant.

Case No.: 08-0246


**ORDER REGARDING
COORDINATION AND SETTING
SCHEDULE FOR FILING A
CONSOLIDATED COMPLAINT
AND BRIEFING; DENYING
WITHOUT PREJUDICE
PREVIOUSLY FILED MOTIONS TO
DISMISS**

1 Having considered the Joint Motion Regarding Coordination and Setting Schedule for
2 Filing a Consolidated Complaint and Briefing, and good cause showing, it is hereby ordered that:

- 3 A. Federal Plaintiff shall file a notice to associate Milberg LLP as co-lead counsel in
4 this Action.
- 5 B. The Co-Lead Counsel in this Action are Schiffrin Barroway Topaz & Kessler, LLP
6 and Milberg LLP.
- 7 C. Defendants and their counsel shall be entitled to rely upon all agreements and
8 statements made by or with either of Co-Lead Counsel in this action, and such
9 agreements shall be binding on Federal Plaintiff and on Co-Lead Counsel.
- 10 D. Federal Plaintiff shall file an amended consolidated complaint on or before
11 September 12, 2008;
- 12 E. Federal Plaintiff shall not be required to file a response to the Motions to Dismiss
13 filed on May 30, 2008 and June 2, 2008. These Motions to dismiss are **DENIED**
14 **WITHOUT PREJUDICE** and the hearing date is **VACATED**.
- 15 F. Defendants shall respond or file motions to dismiss Federal Plaintiff's amended
16 consolidated complaint on or before October 27, 2008, and each motion shall not
17 exceed 30 pages;
- 18 G. Federal Plaintiff may file opposition briefs to any motions to dismiss on or before
19 December 11, 2008, and each opposition brief shall not exceed 30 pages; and
- 20 H. Defendants may file reply briefs in support of any motions to dismiss on or before
21 January 16, 2009, and each reply brief shall not exceed 15 pages.

22 IT IS SO ORDERED.

23 DATED: August 25, 2008

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25 THE HONORABLE BARRY TED MOSKOWITZ
26 UNITED STATES DISTRICT JUDGE